

Intellectual Property Law

90 Park Avenue New York NY 10016

Main 212 336 800 Fax 212 336 800

Fax 212 336 800 Neb www.arelaw.com

Partners

Morton Amster
Jesse Rothstein (1934 - 2003)

Daniel Ebenstein
Philip H. Gottfried
Michael J. Berger
Neil M. Zipkin
Anthony F. Lo Cicero
Kenneth P. George
Abraham Kasdan, Ph.D.
Ira E. Silfin
Chester Rothstein
Craig J. Arnold

Kenneth M. Bernstein

Senior Counsel Charles R. Macedo Mark J. Rosenberg Nancy M. Dodderidge

Of Counsel Jerry D. Dainow

Associates
Neal L. Rosenberg
Patrick Boland*
Trebor Lloyd
Joseph M. Casino
John S. Economou

Holly Pekowsky
Michael P. Kenney
Marion P. Metelski
Max Vern
Dana R. Metes
Karl J. Kolbinger
Brian A. Comack
Richard S. Mandaro
Marc J. Jason
Elie H. Gendloff, Ph.D.
David Mitnick
Charles W. Rath

David A. Boag

Michael V. Solomita

Karen J. Bernstein Matthieu Hausig Jung S. Hahm Reiko Kaji Alan D. Miller, Ph.D. Hsin-Hsin (Ginger) Liu John A. Lepore* Norajean McCaffrey

*Not admitted in New York

May 20, 2004

Direct 212 336 8108 E-mail egendlof@arelaw.com

Elie H. Gendloff, Ph.D., Esq.

"Express Mail" mailing label No. EL 996377453 US Date of Deposit: May 20, 2004 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Name: Elie H. Gendloff Signature:

Via Express Mail

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application Serial No. 09/918,951 Filed July. 31, 2001

Title:

THE iniB, iniA AND iniC GENES OF MYCOBACTERIA

AND METHODS OF USE

Inventors: David Alland, Barry R. Bloom and William R. Jacobs, Jr.

Our File: 96700/680

Sir:

Enclosed please find the following documents for filing in connection with the above-identified application in the names of David Alland, Barry R. Bloom and William R. Jacobs, Jr., entitled THE iniB, iniA AND iniC GENES OF MYCOBACTERIA AND METHODS OF USE:

- 1. Amendment and Reply Under 37 C.F.R. 1.116 (5 pages); and
- 2. Return receipt postcard.

-2-

May 20, 2004

Please acknowledge receipt of the enclosed documents by stamping the enclosed postcard and returning same.

Respectfully submitted,

Amster, Rothstein & Ebenstein LLP Attorneys for Applicants 90 Park Avenue New York, NY 10016 212 336 8000

Dated: New York, New York

May 20, 2004

Elie Gendloff

Registration No. 44,704

5-21-04 IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/918,951

Confirmation No. 3177

Applicant

: David Alland, Barry R. Bloom and William R. Jacobs, Jr.

Filed

: July 31, 2001

Art Unit

: 1645

Examiner

: Rodney P. Swartz, Ph.D.

Docket No.

: 96700/680

Customer No.

: 1912

"Express Mail" mailing label No. EL 996377453 US

Date of Deposit: May 20, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box

1450, Alexandria, VA 22313-1450.
Name: Elie H. Gendloff

Signature:

AMENDMENT AND REPLY UNDER 37 C.F.R. 1.116

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This Amendment and Reply is in response to the February 20, 2004 Office Action in the above-identified case. A response to the Office Action is due May 20, 2004. Accordingly, this Reply is being timely filed.

Amendments

Please enter the following amendments in this case.